IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE J.B.KOSHY
&
THE HONOURABLE MR. JUSTICE V.GIRI

SATURDAY, THE 18TH AUGUST 2007 / 27TH SRAVANA 1929

MFA.No. 730 of 2001(C)

OPMV.146/1998 of MOTOR ACCIDENT CLAIMS TRIBUNAL, TRIVANDRUM
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APPELLANT/3RD RESPONDENT:

THE MANAGER,THE ORIENTAL INSURANCE CO. LTD.,
ROHINI BUILDINGS,THAKARAPARAMBU ROAD,
PAZHAVANGADI, THIRUVANANTHAPURAM.

BY ADV. SRI.P.V.JYOTHI PRASAD

RESPONDENTS/PETITIONERS AND RESPONDENTS 1 AND 2:

1.SUHARA BEEVI,T.C.46/346,
KALLADIVILAKOM PURAYIDOM,
NEAR ARABI COLLEGE, BEEMAPALLY,BEEMAPALLY WARD,
MUTTATHARA.

2.SUINEERKHAN,RESIDING AT -DO-

3.SUNAJA BEEVI, RESIDING AT -DO-

4.FATHIMA BEEVI,RESIDING AT - DO-

5.SHAFEEK,RESIDING AT -DO-

6.ISHA BEEVI, RESIDING AT -DO-

7.M.VARADHA RAJAN, "PANCHAMI", VELLAR,
KOVALAM (PO), THIRUVANANANTHAPURAM.

8.SANTHAKUMARAN,S/O.GANGADHARAN,
KATTAKKALIL VEEDU, NEAR VAZHAMUTTOM HIGH SCHOOL,
PACHALLOOR, THIRUVALLOM VILLAGE,
THIRUVANANTHAPURAM.

BY ADV. SRI.R.T.PRADEEP FOR R2
SRI.J.ROBINSON.
SRI.L.MOHANAN FOR R7 AND R8
SRI.D.SAJEEV

THIS MISC. FIRST APPEAL HAVING BEEN FINALLY HEARD ON 18/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J.B.KOSHY & V.GIRI, JJ.

M.F.A.NO.730 OF 2001 ()

Dated this the 18th day of August, 2007

J U D G M E N T

KOSHY,J.

A 32 year old taxi driver suffered serious injuries in an accident occurred on 27.10.1997. The tribunal awarded a compensation of Rs.4,62,500/- with 12% interest. It is submitted that Rs.3,000/- fixed as monthly income was on the high side. We are of the view that, he, being a professional driver of a commercial vehicle and injuries occurred while he was working as a taxi driver, Rs.3,000/- fixed as monthly income is not excessive so as to be interfered in appeal. $^{1}/_{3}^{rd}$ was deducted from the income for finding out the dependency income. He left behind his wife, four children and mother. The children were minors at the time of his death. We see that there is no ground to interfere in the total award amount. However, the award was passed in 2001. As held by the Apex Court in ***Kaushnuma Beegum v. New India Assurance Co.***

Ltd. (2001 (1) K.L.T. 408 (SC)), the appropriate rate of interest is 9% instead of 12%. Therefore, only the rate of interest is changed. Applicants claimants are entitled to the award amount with 9% interest from the date of application till deposit after adjusting the amount already paid. No further modification is necessary and this appeal is disposed of accordingly.

J.B.KOSHY, JUDGE

V.GIRI, JUDGE

prp

J.B.KOSHY & V.GIRI, JJ.

M.F.A.NO.730 OF 2001 ()

J U D G M E N T

18th August, 2007